IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.MC.No. 711 of 2007()

AGAINST THE ORDER DATED 23/12/2006 IN CRMP. 4266 /2006 IN
CRA.678/2006 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.332/2004 of JUDL.MAGISTRATE OF FIRST CLASS-II(MOBILE),ALAPPUZHA

.....

PETITIONER: PETITIONER

JOGGY JOSEPH, S/O. JOSEPH,
AGED 53 YEARS, CHERUKARA HOUSE,
AVALOOKUNNU P.O., SUBRAMANYAPURAM, ALAPPUZHA.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SUMATHY SURENDRAN,
SARASWATHY BHAVAN, THATHAMPALLY P.O.,
KARUKAYIL WARD, ALAPPUZHA.

R1 BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/03/2007 ALONG WITH CRMC 713 OF 2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.Nos. 711 & 713 of 2007

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Dated this the 20th day of March, 2007

O R D E R

The common petitioner is the accused in two separate prosecutions under Section 138 of the N.I. Act. He has been found guilty, convicted and sentenced in both cases. He has preferred appeals before the learned Sessions Judge. The learned Sessions Judge has admitted both the appeals and has suspended the execution of the sentence in both cases, but subject to conditions. The conditions, inter alia, include the condition that part of the cheque amount must be deposited by the petitioner on or before 15.3.2007. The petitioner has now rushed to this Court with these Crl.M.Cs. complaining about the condition imposed. In fact the prayer is only that some further time may be granted to the petitioner to make the payment. The petitioner is facing grave financial difficulties and if insistence on compliance were made without granting extension of time, the petitioner shall be forced to undergo the sentence before his appeals are disposed of on merits. The learned counsel for the petitioner submits that further time of one month may be granted to

the petitioner to enable him to deposit the amount as directed or to settle the matter and report composition before the learned Magistrate.

2. I am satisfied in the facts and circumstances of this case that the request of the petitioner can be accepted. The learned Sessions Judge having already directed in the impugned order that no further extension of time shall be granted, the petitioner is justified in coming to this court for seeking the relief. I am satisfied that the petitioner can be granted time of one month from this date to make the payment and avoid execution of the sentence during the pendency of the appeals. The petitioner shall not be entitled to any further extension of time.

3. These Crl.M.Cs. are allowed to the extent indicated above.

(R. BASANT)
Judge

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